

**IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF TEXAS**

TEODORO HERNANDEZ, APPELLANT

FILED
COURT OF CRIMINAL APPEALS
4/3/2017
ABEL ACOSTA, CLERK

V.

PD-1049-16

THE STATE OF TEXAS, APPELLEE

**APPELLANT'S FIRST MOTION FOR
EXTENSION OF TIME TO FILE BRIEF**

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

COMES NOW, Teodoro Hernandez, by and through his attorney of record, Karen Oprea, and files this his First Motion for Extension of Time to File Brief and in support thereof, would show the Court the following:

I.

That the above-styled and numbered cause is styled The State of Texas v. Teodoro Hernandez, Cause Number CR-14-0339 in the 428th Judicial District Court of Hays County, Texas. Appellant was sentenced on June 18, 2015.

II.

Appellant was convicted of the offense of aggravated assault and sexual assault, and punishment was assessed at seven (7) years of imprisonment and ten (10) years of community supervision, to run concurrently, and a \$10,000 fine. Appellant is currently released on bond.

III.

Appellant's motion for new trial was filed on July 17, 2015. Notice of appeal was filed on September 4, 2015. On August 5, 2016, the Sixth Court of Appeals reversed Appellant's conviction for aggravated assault and ordered a judgment convicting him of assault to be entered. His conviction for sexual assault was affirmed.

IV.

The State filed a petition for discretionary review, which was granted by this Court on February 1, 2017. The record was received by the Court on October 10, 2016. The State filed its brief with this Court on March 3, 2017. Appellant's response brief is due to be filed on April 3, 2017.

V.

This is Appellant's first motion for extension of time to file his response brief. Appellant respectfully requests a fifteen-day extension of time to file the brief, which would make such brief due on Tuesday, April 18, 2017.

VI.

The undersigned attorney has been unable to complete Appellant's brief due to necessary work to be completed representing other indigent appellants before the Court of Appeals. On March 23, 2017, she filed a brief with the Third Court of Appeals under Cause No. 03-16-00541-CR. The

underlying trial in that case was five days long and briefing the issues presented in that case required an unusually significant outlay of time. On March 28, 2017, she filed a reply brief with the Third Court of Appeals under Cause No. 03-16-00257-CR. In addition, because of circumstances beyond her control, the undersigned counsel has been required to move offices during this week.

The undersigned counsel is actively working on the response brief in this case. She asks that this extension be granted so that she may effectively represent Appellant and so that justice may be done in this case.

Respectfully submitted,

/s/ Karen E. Oprea
KAREN E. OPREA
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ATTORNEY FOR MR.
TEODORO HERNANDEZ
(COURT-APPOINTED)

CERTIFICATE OF COMPLIANCE

I hereby certify that this motion was computer generated and contains 567 words, as calculated by the word count function on my computer.

/s/ Karen E. Oprea
KAREN E. OPREA

CERTIFICATE OF SERVICE

I, Karen E. Oprea, hereby certify that a true and correct copy of the foregoing Appellant's First Motion for Extension of Time to File Brief was sent by email to Brian Erskine at brian.erskine@co.hays.tx.us on this 31st day of March, 2017.

/s/ Karen E. Oprea
KAREN E. OPREA